

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

**ECLIPSE SPORTSWIRE,**

Plaintiff,

v.

**RELIABLE COMPUTER  
PROFESSIONALS, INC.,  
*et al.*,**

Defendants.

Case No. 3:22-cv-02335-SPM

**PLAINTIFF'S MOTION TO DISMISS WITHOUT PREJUDICE**

COMES NOW Plaintiff, Eclipse Sportswire, by and through counsel, and for its motion to dismiss pursuant to Rule 41(a)(2) states as follows:

Central to this action is a dispute about whether Plaintiff is the proper party to enforce the copyrights for the photographs at issue in this case. As set forth in detail in Plaintiff's responses to Defendants' Motions for Judgment on the Pleadings, Plaintiff maintains that its agreement with photographer Alex Evers confers on it the right to bring this suit. Plaintiff cites to controlling Seventh Circuit precedent in *HyperQuest, Inc. v. N'Site Solutions, Inc.*, 632 F.3d 377, 382 (7th Cir. 2011) in support of this proposition. However, recently, the US District Court for the Middle District of Florida issued an opinion in *Eclipse Sportswire v. The Sports Mall, LLC d/b/a sportscollectibles.com*, No. 8:22-cv-1433-KKM-NHA (Doc. No. 71) which would conflict with the ruling that Plaintiff seeks pursuant to *HyperQuest*. In order to avoid these conflicting rulings, Plaintiff seeks to dismiss this action without prejudice.

Respectfully submitted,

**VOYTAS LAW, LLC**

By: /s/ David A. Weber  
David A. Weber, #6328677 IL  
Richard A. Voytas, Jr. #6279483 IL  
7321 S. Lindbergh Blvd., Ste. 400B  
St. Louis, MO 63125  
Phone: (314) 380-3116  
Email: david@voytaslaw.com  
rick@voytaslaw.com

*Attorneys for Plaintiff*